

ASSEMBLY BILL

No. 2772

Introduced by Assembly Member Nation

February 24, 2006

An act to amend Section 65583.2 of the Government Code, relating to housing.

LEGISLATIVE COUNSEL’S DIGEST

AB 2772, as introduced, Nation. Housing.

Existing law defines “land suitable for residential development” for purposes of identifying a city’s or county’s inventory of land that can be developed for housing.

This bill would make a technical, nonsubstantive change in that definition.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65583.2 of the Government Code is
2 amended to read:
3 65583.2. (a) A city’s or county’s inventory of land suitable
4 for residential development pursuant to paragraph (3) of
5 subdivision (a) of Section 65583 shall be used to identify sites
6 that can be developed for housing within the planning period and
7 that are sufficient to provide for the jurisdiction’s share of the
8 regional housing need for all income levels pursuant to Section
9 65584. As used in this section, “land suitable for residential
10 development” includes all of the following:
11 (1) Vacant sites zoned for residential use.

1 (2) Vacant sites zoned for nonresidential use that allows
2 residential development.

3 (3) Residentially zoned sites that are capable of being
4 developed at a higher density.

5 (4) Sites zoned for nonresidential use that can be redeveloped
6 for, and as necessary, rezoned for, residential use.

7 (b) The inventory of land shall include all of the following:

8 (1) A listing of properties by parcel number or other unique
9 reference.

10 (2) The size of each property listed pursuant to paragraph (1),
11 and the general plan designation and zoning of each property.

12 (3) For ~~nonvacant~~ *occupied* sites, a description of the existing
13 use of each property.

14 (4) A general description of any environmental constraints to
15 the development of housing within the jurisdiction, the
16 documentation for which has been made available to the
17 jurisdiction. This information need not be identified on a
18 site-specific basis.

19 (5) A general description of existing or planned water, sewer,
20 and other dry utilities supply, including the availability and
21 access to distribution facilities. This information need not be
22 identified on a site-specific basis.

23 (6) Sites identified as available for housing for
24 above-moderate income households in areas not served by public
25 sewer systems. This information need not be identified on a
26 site-specific basis.

27 (7) A map that shows the location of the sites included in the
28 inventory, such as the land use map from the jurisdiction's
29 general plan for reference purposes only.

30 (c) Based on the information provided in subdivision (b), a
31 city or county shall determine whether each site in the inventory
32 can accommodate some portion of its share of the regional
33 housing need by income level during the planning period, as
34 determined pursuant to Section 65584. The analysis shall
35 determine whether the inventory can provide for a variety of
36 types of housing, including multifamily rental housing,
37 factory-built housing, mobilehomes, housing for agricultural
38 employees, emergency shelters, and transitional housing. The
39 city or county shall determine the number of housing units that
40 can be accommodated on each site as follows:

1 (1) If local law or regulations require the development of a site
2 at a minimum density, the department shall accept the planning
3 agency's calculation of the total housing unit capacity on that site
4 based on the established minimum density. If the city or county
5 does not adopt a law or regulations requiring the development of
6 a site at a minimum density, then it shall demonstrate how the
7 number of units determined for that site pursuant to this
8 subdivision will be accommodated.

9 (2) The number of units calculated pursuant to paragraph (1)
10 shall be adjusted as necessary, based on the land use controls and
11 site improvements requirement identified in paragraph (4) of
12 subdivision (a) of Section 65583.

13 (3) For the number of units calculated to accommodate its
14 share of the regional housing need for lower income households
15 pursuant to paragraph (2), a city or county shall do either of the
16 following:

17 (A) Provide an analysis demonstrating how the adopted
18 densities accommodate this need. The analysis shall include, but
19 is not limited to, factors such as market demand, financial
20 feasibility, or information based on development project
21 experience within a zone or zones that provide housing for lower
22 income households.

23 (B) The following densities shall be deemed appropriate to
24 accommodate housing for lower income households:

25 (i) For incorporated cities within nonmetropolitan counties and
26 for nonmetropolitan counties that have micropolitan areas: sites
27 allowing at least 15 units per acre.

28 (ii) For unincorporated areas in all nonmetropolitan counties
29 not included in clause (i): sites allowing at least 10 units per acre.

30 (iii) For suburban jurisdictions: sites allowing at least 20 units
31 per acre.

32 (iv) For jurisdictions in metropolitan counties: sites allowing
33 at least 30 units per acre.

34 (d) For purposes of this section, metropolitan counties,
35 nonmetropolitan counties, and nonmetropolitan counties with
36 micropolitan areas are as determined by the United States Census
37 Bureau. Nonmetropolitan counties with micropolitan areas
38 include the following counties: Del Norte, Humboldt, Lake
39 Mendocino, Nevada, Tehama, and Tuolumne and such other
40 counties as may be determined by the United States Census

1 Bureau to be nonmetropolitan counties with micropolitan areas in
2 the future.

3 (e) A jurisdiction is considered suburban if the jurisdiction
4 does not meet the requirements of clauses (i) and (ii) of
5 subparagraph (B) of paragraph (3) of subdivision (c) and is
6 located in a Metropolitan Statistical Area (MSA) of less than
7 2,000,000 in population, unless that jurisdiction's population is
8 greater than 100,000, in which case it is considered metropolitan.
9 Counties, not including the City and County of San Francisco,
10 will be considered suburban unless they are in a MSA of
11 2,000,000 or greater in population in which case they are
12 considered metropolitan.

13 (f) A jurisdiction is considered metropolitan if the jurisdiction
14 does not meet the requirements for "suburban area" above and is
15 located in a MSA of 2,000,000 or greater in population, unless
16 that jurisdiction's population is less than 25,000 in which case it
17 is considered suburban.

18 (g) For sites described in paragraph (3) of subdivision (b) the
19 city or county shall specify the additional development potential
20 for each site within the planning period and shall provide an
21 explanation of the methodology used to determine the
22 development potential. The methodology shall consider factors
23 including the extent to which existing uses may constitute an
24 impediment to additional residential development, development
25 trends, market conditions, and regulatory or other incentives or
26 standards to encourage additional residential development on
27 these sites.

28 (h) The program required by subparagraph (A) of paragraph
29 (1) of subdivision (c) of Section 65583 shall accommodate 100
30 percent of the need for housing for very low and low-income
31 households allocated pursuant to Section 65584 for which site
32 capacity has not been identified in the inventory of sites pursuant
33 to paragraph (3) of subdivision (a) on sites that shall be zoned to
34 permit owner-occupied and rental multifamily residential use by
35 right during the planning period. These sites shall be zoned with
36 minimum density and development standards that permit at least
37 16 units per site at a density of at least 16 units per acre in
38 jurisdictions described in clause (i) of subparagraph (B) of
39 paragraph (3) of subdivision (c) and at least 20 units per acre in
40 jurisdictions described in clauses (iii) and (iv) of subparagraph

1 (B) of paragraph (3) of subdivision (c). At least 50 percent of the
2 very low and low-income housing need shall be accommodated
3 on sites designated for residential use and for which
4 nonresidential uses or mixed-uses are not permitted.

5 (i) For purposes of this section and Section 65583, the phrase
6 “use by right” shall mean that the local government’s review of
7 the owner-occupied or multifamily residential use may not
8 require a conditional use permit, planned unit development
9 permit, or other discretionary local government review or
10 approval that would constitute a “project” for purposes of
11 Division 13 (commencing with Section 21100) of the Public
12 Resources Code. Any subdivision of the sites shall be subject to
13 all laws, including, but not limited to, the local government
14 ordinance implementing the Subdivision Map Act. A local
15 ordinance may provide that “use by right” does not exempt the
16 use from design review. However, that design review shall not
17 constitute a “project” for purposes of Division 13 (commencing
18 with Section 21100) of the Public Resources Code. Use by right
19 for all rental multifamily residential housing shall be provided in
20 accordance with subdivision (f) of Section 65589.5.